

FINAL BILL REPORT

SHB 2178

C 73 L 94
Synopsis as Enacted

Brief Description: Clarifying employee transfer rights for fire fighters.

By House Committee on Local Government (originally sponsored by Representatives H. Myers and Orr).

House Committee on Local Government
Senate Committee on Labor & Commerce

Background: In 1986, legislation was enacted authorizing fire fighters to transfer employment into a city, town, or fire protection district if the employee: was going to lose his or her job as a direct consequence of a consolidation, merger, incorporation, or annexation; was principally performing duties that are to be performed in the new fire protection agency; and met the minimum requirements of the position.

Fire fighters who transfer pursuant to this legislation are placed on the same period of probation as new employees and are eligible for promotion after the end of the probationary period.

Concerns have been expressed over the possible misuse of the probationary period to circumvent the intent of the employee transfer legislation. Personnel rules usually allow a new hire to be dismissed without cause during the probationary period. Since fire fighters who transfer into a city, town, or fire protection district are placed on probation, concerns have been raised over whether a local government could dismiss the transferring fire fighters without any reason in order to avoid hiring them.

Under the fire fighter transfer legislation, the new employer cannot promote a transferred fire fighter until the end of the probationary period.

Summary: A fire fighter who transfers into the civil service system of a city, town, or fire protection district because of a merger, annexation, consolidation, or incorporation, and who already completed a probationary period as a fire fighter, may only be terminated during the probationary period for failure to adequately perform assigned duties, for not meeting the minimum qualifications

of the position, or for behavior that would otherwise be subject to disciplinary action. A fire fighter who transfers employment after such a governmental action is eligible for promotion before the end of the probationary period.

Votes on Final Passage:

House	96	1
Senate	40	1

Effective: March 23, 1994